

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.7873 of 2006

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DATED:20-04-2006

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BETWEEN

Smt J. Amruthamma and others

...PETITIONER

AND

The Municipal Corporation of Hyderabad, rep. by its Commissioner, Tank Bund Road, Hyderabad and another.

...RESPONDENTS

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.7873 of 2006

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ORDER:

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Petitioners seek a Writ of Mandamus to declare the action of first respondent in not entertaining the application basing on the letter dated 17-08-2005 issued by the second respondent advising him not to accord permission basing on the entry in the TSLR records as Government Land, as illegal and arbitrary.

The case of the petitioners is that the petitioner No.1 is the mother and petitioners 2 to 5 are her sons. It is stated that the husband of petitioner No.1 had another wife namely Smt J. Seetha Radha Bai and that the petitioner No.1 and the said J. Seetha Radha Bai have jointly purchased the portion of the premises bearing H.No.1-8-303, admeasuring about 185.5 square yards from its owner B. Lalitha Prasad, under a registered sale deed dated 12-03-1980. It is stated that Smt Seetha Radha Bai died long back leaving petitioners 2 to 5 as her legal representatives and that there is no dispute over the said property and all the petitioners herein are the joint owners and possessors of the said property. While so, the petitioners made an application to the Collector, Hyderabad District in May, 2005 for issuance of 'No Objection Certificate' for development of their house as it was an old one. After receiving the remarks from the Mandal Revenue Officer, dated 12-07-2007, the District Collector rejected their application for issuance of 'No Objection Certificate' on the ground that the property under their possession is classified as Government land. It is stated that the vendor of the petitioners was accorded permission under the provisions of Urban Land (Ceiling and Regulation) Act, for transferring the property in their favour, vide proceedings dated 30-11-1979 and that neither the Government nor any other authority exercised their right of ownership over the property under their occupation and thus, it is not a Government land. It is further stated that the action of first respondent in not receiving the application of the petitioners on the basis of TSLR entries is illegal and arbitrary. Hence, the writ petition.

When an application for issuance of 'No objection Certificate' has been filed before the Collector, the Collector, after verifying the TSLR records and the revenue records, has to issue 'No objection Certificate' or any objection to it, but the first respondent cannot reject the receipt of building application without

verifying the title deeds produced by the petitioners.

Therefore, the first respondent is directed to receive the building application that was filed by the petitioners and consider the same in accordance with law keeping in view the title deeds produced by the petitioners as well as the endorsement of the District Collector dated 17-08-2005.

The Writ Petition is accordingly disposed of. No order as to costs.

V. ESWARAIAH, J

Dated: 20-04-2006

Note: Issue CC by one week.

(Bo)

sj

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